

REMARKS

I. Status of the Claims

Claims 25-34 are now present in this application. Claim 25 is independent.

Claims 1-24 were previously canceled. Claim 35 has been newly canceled.

No new matter has been added by way of the above-amendment. Reconsideration of this application, as amended, is respectfully requested.

II. Prior Art Based Issues

The Examiner has withdrawn all previous rejections. However, the Examiner has included a new rejection, which is as follows:

Claims 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of WO 03/033255 (Kitahara et al, see also USPN 7,267,887)

Applicants respectfully traverse the rejection.

With respect to both: a) the publication of the PCT application, WO 03/033255; and b) the US patent 7,267,887 to Kitahara et al., these documents have no 102(e) date, since WO 03/033255 was published in a non-English language.

With respect to WO 03/033255, this reference is available under 35 USC 102(a) as of its publication date of April 24, 2003.

In general, a reference which is available under 35 USC 102(a) can be antedated. The present application claims priority to JP2003-0011686 having a filing date of January 20, 2003. In view of the fact that: i) the presently claimed invention has sufficient written description support in JP2003-0011686; and ii) the presently claimed invention is fully enabled by the teachings of JP2003-0011686, WO 03/033255 is not prior art to the present invention.

As such, withdrawal of the rejection is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, PhD, Registration No. 43,575 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: November 8, 2010

Respectfully submitted,

By


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Attachment: Verified English translation of Application No. 2003-011687 which was originally filed in Japan on January 20, 2003.